

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Corrections, Criminal and Civil Procedures, to which was referred House Bill No. 1147, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Replace the effective dates in SECTIONS 1 through 3 with
- 2 "[EFFECTIVE JANUARY 1, 2000]".
- 3 Page 2, line 4, delete "and".
- 4 Page 2, between lines 4 and 5, begin a new line block indented and
- 5 insert:
- 6 **"(2) may not include:**
- 7 **(A) damages awarded for a person's grief; or**
- 8 **(B) punitive damages; and".**
- 9 Page 2, line 5, delete "(2)" and insert "(3)".
- 10 Page 2, line 10, delete "(c)(2)(A)" and insert "(c)(3)(A)".
- 11 Page 2, line 13, after "a" insert **"nondependent"**.
- 12 Page 2, line 14, after "or" insert **"nondependent"**.
- 13 Page 2, between lines 14 and 15, begin a new paragraph and insert:
- 14 **"(e) Aggregate damages that may be recovered under subsection**
- 15 **(c)(3)(B) may not exceed three hundred thousand dollars**
- 16 **(\$300,000). A jury may not be advised of the monetary limits**
- 17 **placed on damages under this subsection. If the jury awards the**
- 18 **plaintiff damages under subsection (c)(3)(B) in an amount that**
- 19 **exceeds three hundred thousand dollars (\$300,000), the court shall**

1 reduce that part of the damages awarded to the plaintiff to three
2 hundred thousand dollars (\$300,000).

3 (f) A parent or child who wishes to recover damages under this
4 section has the burden of proving that the parent or child had a
5 genuine, substantial, and ongoing relationship with the adult
6 person before the parent or child may recover damages.

7 (g) In an action brought under this section, a court or a jury
8 may not hear evidence concerning the lost earnings of the adult
9 person that occur as a result of the wrongful act or omission.

10 (h) In awarding damages under this section to more than one (1)
11 person, the court or the jury shall specify the amount of the
12 damages that should be awarded to each person.

13 (i) In an action brought under this section, the trier of fact shall
14 make a separate finding with respect to damages awarded under
15 subsection (c)(3)(B).".

16 Page 2, line 16, delete "June".

17 Page 2, line 17, delete "30," and insert "**December 31**".

18 Page 2, delete lines 18 through 34.

(Reference is to HB 1147 as printed January 26, 1999.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

Meeks R

Chairperson